



P.O. Box 2945 • LaGrange, GA 30241  
Toll Free: 1-877-99GFVGA  
(706) 845-8200  
Fax: (706) 883-8215  
info@gfvga.org

## **Statement to the USDA Listening Session for Country of Origin Labeling Orlando, FL - May 13, 2003**

Secretary Hawkes, Commissioner Bronson, and other distinguished guests, my name is Charles Hall, and I serve as the Executive Director of the Georgia Fruit and Vegetable Growers Association. This is a busy time for the produce business in Georgia. Our growers and shippers are in the fields and orchards preparing for harvest, or in the packing facilities shipping out products. Unfortunately I don't have a large delegation with me as I am representing not only the Georgia Fruit and Vegetable Growers Association, but also the,

Georgia Blueberry Association

Georgia Peach Council

Georgia Muscadine Association

Georgia Strawberry Association

I appreciate the invitation to attend this listening session and express our thoughts on the voluntary guidelines that were issued last fall by USDA. Our comments were outlined in a detailed letter filed with Administrator Yates on April 7, 2003. I will only cover the principle points of the letter this afternoon.

For the past seven years, our organizations have supported and endorsed a federal requirement for Country of Origin labeling. U.S. consumers know where their hair dryers, their televisions and their automobiles are manufactured, it only seems logical that they also have the right to know where their food is grown. In this day of bio-terrorism and food borne disease outbreaks, we are pleased Congress has seen fit to pass this Act specifying Country of Origin labeling for beef, lamb, pork, fish, peanuts and perishable commodities. We hope this regulation will give the American consumer additional 'piece of mind' that the U.S. has the safest food supply in the world.

Results from surveys and consumer research tell us that country of origin labeling is very important to the US consumer. However, we strongly feel the regulations to require country of origin labeling should not be burdensome or costly to comply.

Based on the preliminary 'voluntary guidelines' we have four primary concerns,

First, we don't believe there can be a 'one size fits all' regulation for the wide variety of covered commodities in the Act. Each of the "covered commodities" under the provisions has different production, distribution, and handling systems. Further, each of the "covered commodities" has historically been regulated under a different set of laws. For example, meat items are generally regulated under the Federal Meat Inspection Act. The distribution of fruits and vegetables is generally regulated by PACA, the Perishable Agricultural Commodities Act.

We would suggest the Department provide separate sets of regulatory requirements depending on the nature of the specific covered commodity involved. For example, in the case of the sale of a fruit or vegetable, there would be one set of complete regulations identifying the responsibility of retailers selling such produce and immediate suppliers supplying such commodity directly to the retailer.

Second, the Act's primary purpose is very simple and direct.... a retailer of a covered commodity is required to inform consumers at the final point of sale of the Country of Origin of the covered commodity. The Act identifies a wide array of notification methods including "label, stamp, mark, placard, or other clear and visible signs on the covered commodity or on the package, display, holding unit or bin containing the commodity at the final point of sale to consumers."

In passing this Act, Congress wisely established the goal . . . notification of Country of Origin of produce to the consumer, and then left it to the retailer to determine how best to assure that such information is provided at the point of sale. The Act gives the retailer maximum flexibility in fulfilling the Act's requirements.

However, the voluntary guidelines mandate that terms such as "Produce of Country X" or "Grown in Country Y" be used to denote the origin of the covered product. In the final regulations, we recommend that USDA accept the listing or marking of the individual country name, or recognized abbreviation, (i.e., United States or USA) as being sufficient to meet the requirements of the statute.

Our organizations also recommend the Department take a common sense approach in requirements for notification at the retail level. For example, if the retailer has a bin or display of fruit, and a significant amount of the fruit is individually labeled with the Country of Origin, then the Department should not require additional labeling of the fruit even if some of the fruit in the bin are missing a Country of Origin label. The test of the sufficiency of the notification steps taken by the retailer should be whether the consumer could make a reasonable decision regarding the Country of Origin of the produce at the point of purchase. The guidelines should recognize that labels can fall off fruit in transit and the retailer should not be penalized if labels are lost in transit.

However, it is our recommendation that mixing produce with different origins in the same bin should not be permitted unless each item of produce is individually labeled with its Country of Origin. Otherwise, a consumer would not be able to make a reasonable conclusion regarding the Country of Origin of the produce involved.

Third, the current voluntary Guidelines specify that for blended produce products, such as a fresh cut salad, the Country of Origin of each commodity component should be stated. The guidelines go further and require that the produce components should also be listed by order of predominance by weight, value or other measurement.

It is our opinion that the requirement for 'weight, value or other measurement' goes further than the Act requires. While the Act does require the disclosure of the Country of Origin of a perishable agricultural commodity, it does not require that this be done by component or order of predominance by weight in the finished blended product. A simple declaration of the Country of Origin should be sufficient. For blended products containing imported components, origin-labeling requirements should mirror the declarations mandated by the Tariff Act of 1930.

The Department should not use the general authority under the Act to expand USDA's regulatory requirements of the Act or its scope. The Department should allow other agencies and laws, such as the Federal Food, Drug and Cosmetic Act that have jurisdiction in such circumstances to be free to address their regulatory responsibilities. The Department does not need to incorporate into the regulations any provisions beyond those necessary to assure the disclosure of the country of origin of a perishable agricultural commodity.

And finally, we do not feel there is a requirement under the act to establish an audit verification system.

Florida is the only state in the country that has a Country of Origin labeling law. As we understand this law has functioned well since 1979 without a mandated or verifiable record keeping system. In Florida retailers utilize origin information printed on shipping containers to comply with the requirements of the law. Florida's law operates under the presumption of truthfulness of the information provided to the point of retail sale. Based on retailer's compliance in Florida, we believe an **audit verification system is not required.**

However, if the Department determines a verifiable record keeping audit trail is required for COL regulations, country of origin information could also be conveyed by including a declaration on the bill of lading, manifest, invoice, or other document or electronic transmission accompanying the shipment of the covered commodity. These documents are maintained under normal bookkeeping/accounting procedures, therefore, no separate record keeping requirements should be necessary or required.

It is the belief of the Georgia Fruit and Vegetable Growers Association and our cooperating associations that the Department should review the preliminary regulations to determine ways in which to make them more simple and flexible.

We appreciate the opportunity to present these comments. We look forward to working with the Department as implementation of the Act proceeds.

Thank you.

Charles Hall  
Georgia Fruit and Vegetable Growers Association  
P.O. Box 2945  
LaGrange, GA 30241  
1-877-99GFVGA  
fax – 706-883-8215  
cthjr\_asg@charter.net